

Message Text

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ACTION DLOS-09

INFO OCT-01 NEA-10 IO-13 ISO-00 FEA-01 ACDA-07 AGRE-00
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00
DODE-00 DOTE-00 EB-08 EPA-01 ERDA-05 FMC-01
TRSE-00 H-01 INR-07 INT-05 JUSE-00 L-03 NSAE-00
NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-05 PRS-01
SP-02 SS-15 USIA-06 AF-10 ARA-10 EA-10 EUR-12
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C O N F I D E N T I A L NEW DELHI 12575

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: INDIAN VIEWS ON LOS

REF: STATE 190983; STATE 203640

SUMMARY: MEA LAW OF THE SEA SPECIALIST JAGOTA SEEMS GENUINELY INTERESTED IN PLAYING A HELPFUL ROLE IN RESOLVING THE LOS IMPASSE, AND CONVINCED THAT A RESOLUTION WAS BOTH POSSIBLE AND WIDELY SOUGHT AFTER. HE SUGGESTS THAT THE USG LET THE INDIANS AND OTHERS KNOW WHAT IT REALLY SEEKS IN THREE CONTROVERSIAL AREAS AND HOW IT BELIEVES NEGOTIATIONS CAN BEST PROCEED. END SUMMARY

1. EMBOFFS HAD A LONG DISCUSSION ON LOS MATTERS SEPTEMBER 7 WITH DR. S.P. JAGOTA, THE MEA LEGAL ADVISOR WHO AS ADDRESSEES ARE AWARE IS THE GO'S PRINCIPAL SPECIALIST ON THE SUBJECT. AT THEIR REQUEST, JAGOTA GAVE HIS IMPRESSIONS OF THE LAST LOS SESSION AND OFFERED SUGGESTIONS ABOUT THE BEST COURSE FOR SUCCESSFUL COMPLETION OF THE TREATY.

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2. AT THE OUTSET OF DISCUSSION, JAGOTA STRESSED THAT WITH THE CHANGES OF GOVERNMENTS IN NEW DELHI AND WASHINGTON A NEW RELATIONSHIP HAD DEVELOPED BETWEEN THE US AND INDIA WHICH WAS REFLECTED IN THE CLOSER AND MORE COOPERATIVE CONTACT BETWEEN THEIR LOS DELEGATIONS. IN THIS CONTEXT, HE EXPRESSED HIS PERSONAL DISAPPOINTMENT WITH WHAT HE CONSIDERED THE

OVERREACTION OF AMBASSADOR RICHARDSON TO THE OUTCOME OF THE COMMITTEE I NEGOTIATIONS. HE SAID THIS FEELING WAS SHARED BY LAW MINISTER SHANTI BHUSHAN, WHO HEADED THE INDIAN DELEGATION. HE THOUGHT AMBASSADOR RICHARDSON OUGHT TO HAVE PAID GREATER ATTENTION IN HIS STATEMENT TO PROGRESS MADE IN OTHER AREAS WHICH IN HIS VIEW HAD MET 95-100 PERCENT OF USG REQUIREMENTS. (HE WAS NOT SWAYED FROM THIS CONCLUSION BY OUR POINTING OUT THAT THE FIRST PART OF THE RICHARDSON STATEMENT WAS DEVOTED TO THE POSITIVE ACCOMPLISHMENTS OF THE SESSION.) HE BELIEVED THAT AMBASSADOR RICHARDSON'S RECOMMENDATION FOR REVIEW IN THE FINAL PARAGRAPH OF HIS STATEMENT WAS UNWARRANTED.

3. AT THE SAME TIME, JAGOTA INDICATED THAT HE TOO WAS NOT HAPPY WITH THE METHOD USED TO DEVELOP THE DEEP SEABED ARTICLES OF THE INFORMAL COMPOSITE NEGOTIATING TEXT. ALTHOUGH HE CITED THE EXPLANATORY MEMORANDUM OF THE CONFERENCE PRESIDENT AS A JUSTIFICATION FOR THE METHOD, HE QUICKLY MADE IT CLEAR THAT HE HAD DELIBERATELY DECLINED TO PARTICIPATE IN THE GROUP WHICH UNDER FIRST COMMITTEE CHAIRMAN ENGO HAD DRAFTED THE TEXT.

4. JAGOTA SAID THAT THE USG SHOULD TAKE GREATER ACCOUNT OF THE PROGRESS ALREADY MADE IN RESOLVING THE SEABEDS ISSUE. SUSPICION ON THE PART OF THE GROUP OF 77 ABOUT THE MOTIVES OF THE US AND OTHER POTENTIAL MINING COUNTRIES HAD BEEN CONFIDENTIAL

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LARGELY OVERCOME, HE SAID. THE PARALLEL SYSTEM HAD BEEN ACCEPTED, A CONSIDERABLE STEP FORWARD. HE CLAIMED AN IMPORTANT ROLE FOR INDIA IN THIS PROGRESS, AND THROUGHOUT THE DISCUSSION STRESSED INDIA'S INTEREST AS A "PRODUCTION-ORIENTED COUNTRY" IN WORKING OUT A TREATY. HE SAID IT WAS HIS VIEW THAT OTHER COUNTRIES ALSO WANTED TO MOVE FORWARD. DELEGATES HAD TIRED OF REITERATING OLD POSITIONS AND WANTED TO BREAK NEW GROUND.

5. ASKED WHERE WE CAN ALL GO FROM HERE, JAGOTA SAID IT WAS IMPORTANT THAT THE USG TELL "US" WHAT IT REALLY WANTED IN THE DISPUTED AREAS OF (1) TRANSFER OF TECHNOLOGY TO THE ENTERPRISE, (2) FINANCIAL ARRANGEMENTS, AND (3) RENEWAL OF THE REGIME AFTER 20/25 YEARS, AS WELL AS ITS IDEAS ON THE MOST APPROPRIATE WAY TO PROCEED. ASKED WHO "US" MEANT, HE SAID THE GOI. HE ALSO SUGGESTED THAT AMBASSADOR RICHARDSON GET IN TOUCH WITH HIS MANY FRIENDS IN OTHER DELEGATIONS FOR THE SAME PURPOSE. HE ALSO NOTED THAT THE GROUP OF 77 WOULD BE MEETING IN DAKAR IN MARCH, BUT ADDED THAT THAT SESSION MIGHT BE TOO FAR OFF TO FIT INTO HIS RECOMMENDED APPROACH. HE SAID THAT IF THE USG DID NOT WANT TO MAKE THE FIRST MOVE, THE GOI WOULD TRY TO BE HELPFUL, BUT MAINTAINED THAT HE HAD

NOT YET DEVELOPED A FORMULATION OF HIS OWN. HE DID, HOWEVER, COMMEND AS A PROCEDURAL METHOD, THE INFORMAL DISCUSSIONS UNDER THE CHAIRMANSHIP OF THE MEXICANS WHICH HE SAID HAD BEEN INSTRUMENTAL IN RESOLVING PROBLEMS IN OTHER AREAS TO THE SATISFACTION OF THE USG.

6. THE TONE OF THE DISCUSSION WAS EXTREMELY CORDIAL, AND JAGOTA SEEMED GENUINELY INTERESTED IN PLAYING A HELPFUL ROLE AND QUITE CONVINCED THAT A RESOLUTION WAS BOTH POSSIBLE AND WIDELY SOUGHT AFTER. WE UNDERSTAND THAT HE WILL BE ON THE INDIAN DELEGATION TO THE UNGA AND IT MIGHT BE APPROPRIATE FOR SOMEONE MORE FAMILIAR THAN WE WITH LOS MATTERS TO FOLLOW UP OUR TALK WITH HIM.

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